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RIGHTS OF THE CHILD

Written statement submitted by Human Rights Watch, a non-governmental
organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[30 December 1999]

Violence against children: the need for a Special Rapporteur

1. Human Rights Watch urges the Commission on Human Rights to consider the appointment of a Special Rapporteur on violence against children.
2. Children throughout the world are subjected to violence that results in physical injury, psychological trauma, and even death. Street children are too often subject to arbitrary detention and abuse by police; children in correctional or other institutions may be beaten or tortured by guards or facility employees; children in refugee camps may be beaten or sexually abused; children in schools may be subjected to severe beatings by their teachers; others are victims of summary executions.
3. In recent years, the rights of children have been increasingly recognized by the international community. The nearly universal ratification of the Convention on the Rights of the Child, adopted just 10 years ago, demonstrates a strong commitment to broad protections for children worldwide and prohibits all forms of physical or mental violence, injury or abuse. Nonetheless, violence against children is pervasive, and too often carried out with impunity. In many cases, the failure of law enforcement bodies to promptly and effectively investigate and prosecute cases of abuses allows the abuse to continue. These acts of violence are often seen as lamentable yet isolated incidents rather than global phenomena. And the unique vulnerability of children prevents them from speaking out in their own defence.
4. Many instances of violence against children may fall within the mandates of current human rights mechanisms, including the Special Rapporteurs on the sale of children, child prostitution and child pornography; on extrajudicial, summary or arbitrary execution; on the question of torture; on violence against women; and on traditional practices affecting the health of women and the girl child; as well as the Working Groups on Arbitrary Detention, on Enforced or Involuntary Disappearances, and on Contemporary Forms of Slavery. However, the broad scope of these mechanisms rarely allows for focused attention on the particular vulnerabilities of children and the violence that they suffer as a result, and others (such as the new Special Rapporteur on Children's Rights in the Americas of the Inter-American Commission on Human Rights) may be limited in geographic scope.
5. While efforts to mainstream children's rights should and must continue, the existing framework of mechanisms is unable to give adequate attention to the pervasive violence against children, or to help the international community recognize and address it as a single global phenomenon. A Special Rapporteur on violence against children would help change the way abuses against children are viewed, bring needed international attention to this pervasive international problem, and help bring States' practices into conformity with the Convention on the Rights of the Child and other relevant standards.
6. In addition to Human Rights Watch, non-governmental organizations supporting the appointment of a Special Rapporteur on violence against children include the African Network for the Prevention and Protection against Child Abuse and Neglect, Casa Alianza/Covenant House Latin America, and the World Organization against Torture.

Background

7. In many countries throughout the world, children living or working on the street are beaten and assaulted and sometimes killed by police. A good deal of attention has been paid over the years to street children, but it has largely focused on social and economic problems: lack of schooling, poverty, health, prostitution, glue sniffing and the like. With the exception of Brazil, Guatemala and Colombia, where widespread publicity revealed that children are being slaughtered, in some cases by police themselves, little notice has been taken of the constant violence to which street children are subjected by police around the world. Human Rights Watch has found that in Bulgaria, India, Guatemala and Kenya, to name but a few countries, children are rounded up on the street, beaten and sometimes sexually abused, are taken to police stations and beaten again, detained arbitrarily and, in many cases, sent to "schools" that are little more than prisons from which the children cannot leave. These are not children who have been charged with crimes, but children whose "crime" is to live or work on the street.
8. In some countries, Pakistan for example, children are tortured during interrogations by police, who often use the same appalling techniques used against adults including being beaten, hung upside down, or whipped with a rubber strap. Torture is used to get information, to punish, intimidate, or extort payment from detainees. Most detainees remain at police stations without being brought before a judge well beyond the 24 hours permitted by law.
9. Children in juvenile and criminal correctional institutions around the world are frequently beaten and abused, sometimes sexually, by guards. Human Rights Watch has found this to be true in the United States, Guatemala, Kenya, Bulgaria, Pakistan and India. Moreover, children are often kept in severely overcrowded facilities where they are assaulted by other inmates, both children and adults; guards fail to protect them from these assaults.
10. Investigations in juvenile detention facilities in the United States have found unsafe conditions, physical abuse by staff and excessive use of disciplinary measures. Children are frequently incarcerated in jail-like facilities, where they may be bound to a bed by their wrists and ankles as a disciplinary measure, or stripped naked and shackled to a toilet for showing signs of suicidal behaviour.
11. An unknown number of children around the world, most likely in the millions, are kept in orphanages and other non-penal institutions. Many of these children are placed in grossly sub-standard facilities where they are subjected to cruelty and neglect. Ironically, the personnel of the very State institutions that are responsible for nurturing and providing for the children often physically and sexually abuse children in their care, and subject them to cruel and degrading treatment. A recent Human Rights Watch investigation of Russian orphanages revealed that children may be restrained in cloth sacks, tethered by a limb to furniture, beaten, or locked in freezing rooms for days at a time.
12. In many countries, corporal punishment is permitted in schools. Regulations are often disregarded, and schoolchildren are beaten with branches, sticks, belts or other dangerous implements. As a consequence, students have been seriously injured, suffering broken limbs, concussions and loss of hearing. In some cases, children have even been killed by their teachers or principals.

13. Children are also subject to violence and abuse in the home. Some States do not have laws to protect children from intra-family violence; others fail to implement such laws to protect children.

Potential scope and mandate of a Special Rapporteur

14. Human Rights Watch urges the Commission on Human Rights to consider the appointment of a Special Rapporteur on violence against children whose primary responsibilities would be to monitor adherence to the standards protecting children, investigate abuses, and present constructive recommendations to better protect children from violence and abuse. The Special Rapporteur would work in cooperation with the Committee on the Rights of the Child and other concerned United Nations bodies. Human Rights Watch recommends that the specific issues to be examined by the Special Rapporteur include:

- Abuse by police and other law enforcement authorities;
- Abuse by employees in juvenile correctional facilities, orphanages or other institutions;
- Corporal punishment;
- The use of the death penalty against children;
- State failure to prevent violence in the home.

To avoid overlap with the mandate of the Special Representative of the Secretary-General on Children and Armed Conflict, the focus of the Special Rapporteur would not include violence against children in war during the tenure of the Special Representative.

15. The responsibilities of the Special Rapporteur could be carried out by:

- Seeking and receiving credible and reliable information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations, as well as medical, forensic or other experts, and responding to the information presented;
- Making site visits to investigate allegations of violence and abuse and making reports and recommendations to the Governments involved;
- Monitoring the implementation of existing standards;
- Educating and advising States on bringing their practices into conformity with the Convention on the Rights of the Child and other relevant standards;
- Promoting exchanges of views between Governments and those who provide reliable information;

- Making annual reports to the Commission on Human Rights and the General Assembly, detailing findings, as well as conclusions and recommendations on ways and means to better protect children from violence;
- Issuing urgent appeals to Governments regarding particularly serious cases;
- Cooperating with other United Nations mechanisms and procedures in the field of human rights, including regional mechanisms;
- Compiling and analysing existing rules and norms, root causes of the problem, and preventive and long-term solutions, taking into account specific situations.

16. On a daily basis, life-threatening abuses are perpetrated against children on the streets, in schools, in the workplace, in institutions, and in the home. The international community has a responsibility to do more to protect children from such violence. The appointment of a Special Rapporteur on violence against children is one important step.
